

Report on the

Board of Heating, Air Conditioning and Refrigeration Contractors

Montgomery, Alabama



Department of Examiners of Public Accounts

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October 19, 2011

Senator Paul Bussman
Chairman, Sunset Committee
Alabama State Senate
Montgomery, AL 36130

Dear Senator Bussman,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Heating Air Conditioning and Refrigeration Contractors** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Heating Air Conditioning and Refrigeration Contractors**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiners:
Bilikisu A. Alabi
Julie J. Garner

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PROFILE

Purpose/Authority

Heating and air conditioning contractors have been regulated in Alabama since Act 78-849 created the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors. The current Board of Heating, Air Conditioning, and Refrigeration Contractors was created by Act 82-547. Act 2009-486 renamed the board and added regulation of the installation, service, and repair of refrigeration systems to the board's duties. The board operates under the authority of the *Code of Alabama 1975*, Sections 34-31-18 through 34-31-35.

<u>Characteristics</u>	
Members and Selection	<p>The board consists of twelve members:</p> <p>Four members (4) are appointed by the Governor that include:</p> <ul style="list-style-type: none">• Two (2) heating and air conditioning contractors• One (1) licensed professional engineer• One (1) consumer <p>Three (3) members are appointed by the Lieutenant Governor that include:</p> <ul style="list-style-type: none">• One (1) trade representative of an equipment manufacturer or supplier• One (1) representative of a county or local inspection services department• One (1) heating and air conditioning contractor <p>Four (4) members are appointed by the Speaker of the House of Representatives that include:</p> <ul style="list-style-type: none">• Two (2) heating and air conditioning contractors• One (1) trade representative of the service, repair parts industry• One (1) consumer <p>One (1) heating and air conditioning contractor appointed by the President Pro-Tempore of the Senate.</p> <p>All members must be confirmed by the Senate.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-20(b)</p>

Term	<p>4-years, staggered. Limited to not more than two consecutive terms of office of four years each. May continue to serve until successors are appointed and qualified.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-20(b)</p>
Qualifications	<p>Citizen of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-20(b)</p>
Racial Representation	<p>No specific requirement. No black members currently serving.¹</p>
Geographical Representation	No specific requirement.
Consumer Representation	<p>Two</p> <p><i>Code of Alabama 1975</i>, Section 34-31-20(b)</p>
Other Representation	None.
Compensation	<p>\$100 per day for attending sessions of the board or its committees and, in addition, shall be reimbursed for necessary travel expenses in the same manner as paid to state employees.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-22</p>
<u>Operations</u>	
Administrator	<p>Kathy LeCroix, Executive Director Appointed by the board Annual Salary: \$102,772. Salary set by the board.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-21</p>
Location	<p>8 Commerce Street, Suite 200 Montgomery, Alabama 36104 Monday – Friday 8:00 a.m. – 5:00 p.m.</p>

¹ One black member is listed in the Board Members appendix, but his term expired in June 2010. He last attended a board meeting in May 2010 and has turned in all board property that was assigned to him. The *Code of Alabama 1975*, Section 34-31-20 provides that members shall serve until their successors are appointed and qualified. A successor has not been appointed.

Examinations

The board prepares the written examination, which is administered at PSI Testing Centers. Examination fees are paid directly to the board. Written exams are administered in the following cities in Alabama:

Birmingham	Thursday & Saturday
Huntsville	Tuesday & Saturday
Mobile	Monday, Wednesday & Saturday

Applicants failing the written examination may also apply for a practical examination. The practical examination is administered by an instructor at Gadsden State Technical College upon request within six months of failing the written examination.

Written Exams					
Year	Total	Passed	% Passed	Failed	% Failed
2007	496	235	47	261	53
2008	500	229	46	271	54
2009	548	240	44	308	56
2010	248	125	50	123	50

Practical Exams					
Year	Total	Passed	% Passed	Failed	% Failed
2007	3	2	67	1	33
2008	2	1	50	1	50
2009	3	1	33	2	67
2010	2	2	50	0	0

Code of Alabama 1975, Section 34-31-28.

Licensees	<p style="text-align: center;">As of August 29, 201</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2">Heating & A/C Contractors:</td></tr> <tr> <td>Active</td><td style="text-align: right;">3,486</td></tr> <tr> <td>Inactive</td><td style="text-align: right;">638</td></tr> <tr> <td>Apprentice</td><td style="text-align: right;">43</td></tr> <tr> <td>Total Heating & A/C Contractors</td><td style="text-align: right;">4,167</td></tr> <tr> <td colspan="2">Refrigeration Contractors:</td></tr> <tr> <td>Active</td><td style="text-align: right;">1,109</td></tr> <tr> <td>Inactive</td><td style="text-align: right;">439</td></tr> <tr> <td>Apprentice</td><td style="text-align: right;">10</td></tr> <tr> <td>Total Refrigeration Contractors:</td><td style="text-align: right;">1,558</td></tr> <tr> <td>Grand Total Licensees</td><td style="text-align: right;">5,725</td></tr> </table>	Heating & A/C Contractors:		Active	3,486	Inactive	638	Apprentice	43	Total Heating & A/C Contractors	4,167	Refrigeration Contractors:		Active	1,109	Inactive	439	Apprentice	10	Total Refrigeration Contractors:	1,558	Grand Total Licensees	5,725
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Reciprocity	<p>The board may enter into a reciprocity agreement with another state if the other state permits Alabama certified contractors to engage in work in the other state.</p> <p>The board has reciprocal agreements with Louisiana, Mississippi and Tennessee. The agreements recognize only that the applicant has been adequately examined. All other Alabama licensure requirements must be met.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-21</p>																						
Renewals	<p>Annually by December 31.</p> <p>% renewed online for 2011 license year:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Heating & A/C Contractors</td><td style="text-align: right;">71 %</td></tr> <tr> <td>Refrigeration Contractors</td><td style="text-align: right;">50%</td></tr> </table> <p><i>Code of Alabama 1975</i>, Section 34-31-26 <i>Administrative Code</i>, 440-X-3-.5</p>	Heating & A/C Contractors	71 %	Refrigeration Contractors	50%																		
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Continuing Education	<p>4 hours annually. Required for license renewal.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-26 <i>Administrative Code</i>, 440-X-4</p>																						

Employees	Nine (9)
Legal Counsel	Ellen Leonard, Assistant Attorney General, an employee of the Attorney General
Subpoena Power	<p>None in the licensing statute. The board may issue subpoenas in connection with hearings on contested cases under authority of the state's Administrative Procedure Act.</p> <p><i>Code of Alabama 1975</i>, Section 41-22-12(c)</p>
Internet Presence	<p>www.hvac.alabama.gov</p> <ul style="list-style-type: none"> • Board Members • Staff List • Law • Administrative Rules • Complaint Form • Contact Us – E-mail and physical address • How To Get Licensed – Forms and Instructions. • Forms • Continuing Education
Attended Board Member Training	The executive director attended board member training in 2009 and 2011
<u>Financial</u>	
Source of Funds	Licensing and regulatory fees.
State Treasury	Yes. Fund 0411
Unused Funds	<p>All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the state's General Fund.</p> <p><i>Code of Alabama 1975</i>, Section 34-31-20(c).</p>

SIGNIFICANT ISSUES

1. There is no required representation on the board for refrigeration contractors. Act 2009-486 Acts of Alabama expands the authority of the board to include regulation of refrigeration contractors but does not amend the composition of the board to require inclusion of refrigeration contractors. Current law (*Code of Alabama 1975* Section 34-31-20) provides that six of the board's twelve members must be heating and air conditioning contractors. There is no such requirement regarding refrigeration contractors.

2. The board does not license or certify business entities that engage in heating and air conditioning contracting. The executive director indicated that the law should be amended to provide for licensure/certification of business entities in addition to individuals who are engaged in heating and air conditioning contracting. The board licenses/certifies only individuals as heating and air conditioning contractors. Under current law, any business entity that engages in heating, air conditioning contractor work must have a board certified individual in responsible charge, but the business entity is not licensed. In contrast, any legal entity that engages in refrigeration contracting must be licensed.

The *Code of Alabama 1975*, Section 34-31-18 defines a certified heating and air conditioning contractor separately from a certified refrigeration contractor. The definition of a certified heating and air conditioning contractor includes only individuals. The definition of a certified refrigeration contractor includes all business entities.

The *Code of Alabama 1975*, Section 34-13-18 states that, "For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them unless the context clearly indicates otherwise:"

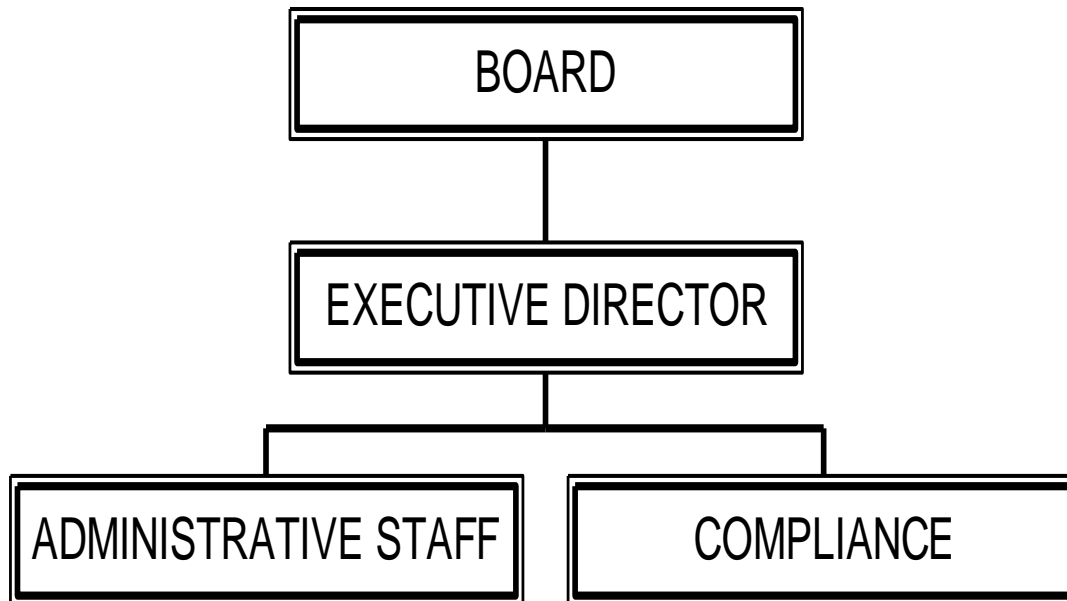
"(5) Certified heating and air conditioning contractor. Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the installation or service and repair of heating and air conditioning systems."

"(6) Certified refrigeration contractor. Any and all legal entities engaged in the business of refrigeration contracting and servicing, installation, and repair."

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

There are no unresolved prior findings or significant issues.

ORGANIZATION



PERSONNEL

	Merit System Status	#	W/M	W/F
<u>Title</u>				
Executive Director	Unclassified	1		1
Executive Secretary	Classified	1	1	
Staff Accountant	Classified	1		1
Legal Research Assistant	Classified	1		1
Administrative Support Assistant II	Classified	2		2
Laborer	Classified	1		1
Compliance Supervisor	Classified	1	1	
Compliance Field Officer	Classified	1	1	
Total		9	3	6

W/M=white male, W/F=white female,

Legal Counsels

Ellen Leonard, Assistant Attorney General, an employee of the Attorney General.

H. E. “Chip” Nix, Jr., attorney in private practice in Montgomery, Alabama, serves as hearing officer in contested disciplinary cases. Payment terms are \$125 per hour plus ordinary and reasonable expenses, not to exceed \$40,000 in total. The contract period is from March 1, 2010 through February 28, 2012.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee: 636

Operating Disbursements per Licensee (2010 fiscal year): \$146.47

Number of Persons per Licensee in Alabama and Surrounding States:

	Population⁽¹⁾	Number of Licensees	Persons Per Licensees
Alabama	4,779,736	5,672 ⁽²⁾	843
Florida	18,801,310	7,730	2,432
Georgia	9,687,653	6,430	1,507
Mississippi	2,967,297	⁽³⁾	
Tennessee	6,346,105	2,478	2,561

- ⁽¹⁾ 2010 U.S. Census
- ⁽²⁾ Excluding apprentices
- ⁽³⁾ Information not available

Notification to Licensee of Board Decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

COMPLAINT HANDLING

The board's Administrative Rule 440-X-6-.01 through 440-X-6-.12 provides procedures for receipt, documentation, investigation and hearing of complaints.

Complaint Procedures

Initial Documentation	<p>Complaint may be faxed, mailed or phoned. Any board member or investigative staff may initiate a complaint.</p> <p>Complaints must be in writing. A complaint form is available for download from the board's website. The board may require the complainant to submit written and sworn statement of the facts of the complaint.</p> <p>The complainant is notified of the receipt of the complaint in writing.</p>
Anonymous Complaints	<p>Accepted for unlicensed contractors only.</p>
Investigative Process	<p>Board investigators investigate the complaints and present their reports to an investigative committee for probable cause determination. The investigative committee is comprised of one board member, the board's attorney and the executive director. The board member on the investigative committee does not participate in the disciplinary proceedings.</p>
Probable Cause Determination	<p>The investigative committee reviews the investigative report to determine whether probable cause exists for disciplinary or enforcement proceedings by the board.</p>
Resolution Without Formal Hearing	<p>The investigative committee may enter into settlement agreements with respondent licensees or consent agreements with unlicensed contractors. The full board votes to accept, modify or reject the agreements.</p> <p><i>Administrative Rule</i> 440-X-6-.04</p>

Formal Hearing	<p>The board may appoint a person to act on its behalf as hearing officer at its administrative hearings. The hearing officer presides at administrative hearings and rules on all questions of evidence and procedure. The hearing officer admits all evidence that is relevant, material, and which has probative value to the issues under consideration by the board.</p> <p>The hearing officer considers the evidence presented and submits a recommendation to the board, including: a procedural summary of the case; findings of fact; conclusions of law; and a recommended decision on the issues included in the administrative complaint including, if necessary, suggested administrative punishment pursuant to the charges in the administrative complaint.</p> <p>The hearing officer's recommendations are considered by the board but are not binding on the board. The board issues an appropriate administrative order modifying, approving, or rejecting the hearing officer's recommendation. The board issues its orders within sixty (60) days after receipt of the hearing officer's recommendation. If the hearing was conducted by the board itself, the board issues its order within sixty (60) days after receipt of the court reporter's transcript of the administrative hearing.</p> <p>The board may, in its discretion, issue a written public or private reprimand or remove, revoke, or suspend the certification of any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates state law or the rules and regulations of the board. The board may, in addition to or in lieu of other penalties, levy and collect administrative fines for serious violations of state law or the rules and regulations of the board of not more than \$2,000.00 for each violation.</p>
Notification of Resolution to the Complainant	<p>According to staff, the board does not routinely notify complainants of its resolution of the complaints.</p>

Schedule of Complaints

Fiscal Year	Complaints Filed	Complaints Resolved	Complaints Pending
2007	138	131	7
2008	168	156	12
2009	129	119	10
2010	147	144	3

SMART GOVERNING

2010 SMART Quarterly Performance Report

GOALS	COMMENTS
To provide services on-line so that 77% of heating and air licenses are processed via the web by 2010	Goal has current year target date. Goals by definition are long-term, multi-year targets.
To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011	Goal appears appropriate

OBJECTIVES	Unit of Measure	Target	Reported Performance	COMMENTS
(01 – Efficiency) To increase the number of renewal applications processed on-line	Per cent of applications	77	69.67	Objective appears appropriate. Reported performance is adequately supported by competent and relevant data.
(01 – Quality) To conduct 80% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2010	Percentage	80	89.47	Objective appears appropriate. Reported performance was adequately supported by competent and relevant data.

2011 SMART Quarterly Performance Report

GOALS	COMMENTS
Key Goal 1 To provide services on-line so that 80% of license renewals are processed via the web by 2011	Goal has current year target date. Goals by definition are long-term, multi-year targets
Key Goal 2 To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011	Goal has current year target date. Goals by definition are long-term, multi-year targets.

OBJECTIVES	Unit of Measure	Target	Reported Performance	COMMENTS
(01 – Efficiency) To increase the number of renewal applications processed on-line	Per cent of applications	80%	Year not yet complete	

OBJECTIVES	Unit of Measure	Target	Reported Performance	COMMENTS
(02 – To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011	Per cent of applications	90%	Year not yet complete	Objective appears appropriate

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

State law requires that any heating, air conditioning or refrigeration contractor performing a job valued at more than \$50,000 must have a license issued by the Licensing Board for General Contractors. Other state boards that may also require licensing or regulate the activities of heating, air conditioning or refrigeration contractors in the performance of their work as such contractors under such boards' professional licensing statute or regulatory authority include:

Liquefied Petroleum Gas Board (LP gas heating systems)
Boiler and Pressure Vessels (Steam heat systems)

U.S. Environmental Protection Agency (EPA) – The EPA under authority of the Clean Air Act regulates the use of ozone-depleting refrigerants associated with air conditioning. The Clean Air Act does not permit any refrigerant to be vented into the atmosphere during installation, service or retirement of equipment.

FINANCIAL INFORMATION

Source of Funds

The board operates from Special Revenue Fund 411 in the State Treasury. Operating funds are derived from licensing fees collected by the board. Unexpended balances of up to 25% of the board's budget from the previous fiscal year may be retained in the board's fund at year-end. The *Code of Alabama 1975*, Section 34-31-20 (b), requires that any funds in excess of this amount at year-end must be paid into the state's General Fund.

Schedule of Fees

FEE TYPE/PURPOSE	STATUTORY AUTHORITY	AMOUNT AUTHORIZED	AMOUNT COLLECTED
Written Exam Fee	34-31-29 (c)	No stated amount	\$150.00
Practical Exam Fee	34-31-29 (c)	No stated amount	\$350.00
Initial Fee for Certification of a HVAC License	34-31-25 (a)	Not to exceed \$200.00	\$165.00
Annual Renewal Fee for Active HVAC Certification	34-31-25 (d)	Not to exceed \$200.00	\$165.00
Initial Fee for Certification of a Refrigeration License	34-31-25 (a)	Not to exceed \$200.00	\$165.00
Annual Renewal Fee for Active Refrigeration Certification	34-31-25 (d)	Not to exceed \$200.00	\$165.00
Late Fee for Active Certification Renewal received after December 31	34-31-32 (b)	Board's Discretion	\$100.00
Penalty Fee for Renewal received on or after March 1 and prior to March 31 (in addition to late fee)	34-31-32 (b)	Board's Discretion	\$250.00
Delinquent Penalty for Renewal received on or after April 1 (in addition to late & penalty fee)	34-31-32 (b)	Board's Discretion	\$500.00
Annual Renewal Fee for Inactive HVAC Contractors	34-31-26 (b)	Not to exceed one half the amount for Active Contractor	\$82.50

Annual Renewal Fee for Inactive Refrigeration Contractors	34-31-26 (b)	Not to exceed one half the amount for Active Contractor	\$82.50
Late Fee for the Renewal of Inactive status received after December 31 and prior to March 1	34-31-25 (c)	Board's Discretion	\$50.00
Penalty Fee for Renewal received after March 1 and prior to March 31 (in addition to late fee)	34-31-32 (b)	Board's Discretion	\$250.00
Delinquent Penalty for Renewal received on or after April 1 (in addition to late & penalty fee)	34-31-32 (b)	Board's Discretion	\$500.00
Issuance of Replacement Certification Cards	Not Authorized	Set by board rule	\$25.00
Administration Fee for Continuing Education Deficiency Plan	34-31-26 (e)	No set amount	\$25.00
Dishonored Check Fee	8-8-15	Not to exceed \$30.00	\$30.00
Continuing Provider Application Fee	34-31-26 (f)	Board's Discretion	\$75.00
Continuing Education Course Fee	34-31-26 (f)		\$25.00
Continuing Education Instructor Fee	34-31-26 (f)		\$25.00
Non-Traditional Continuing Education Application	34-31-26 (f)		\$25.00
Apprentice Registration for HVAC or Refrigeration	34-31-25 (b)	Not to exceed \$50.00	\$25.00
Apprentice Registration Late Fee (if received by the Board later than December 31)	34-31-32 (b)	Board's Discretion	\$50.00

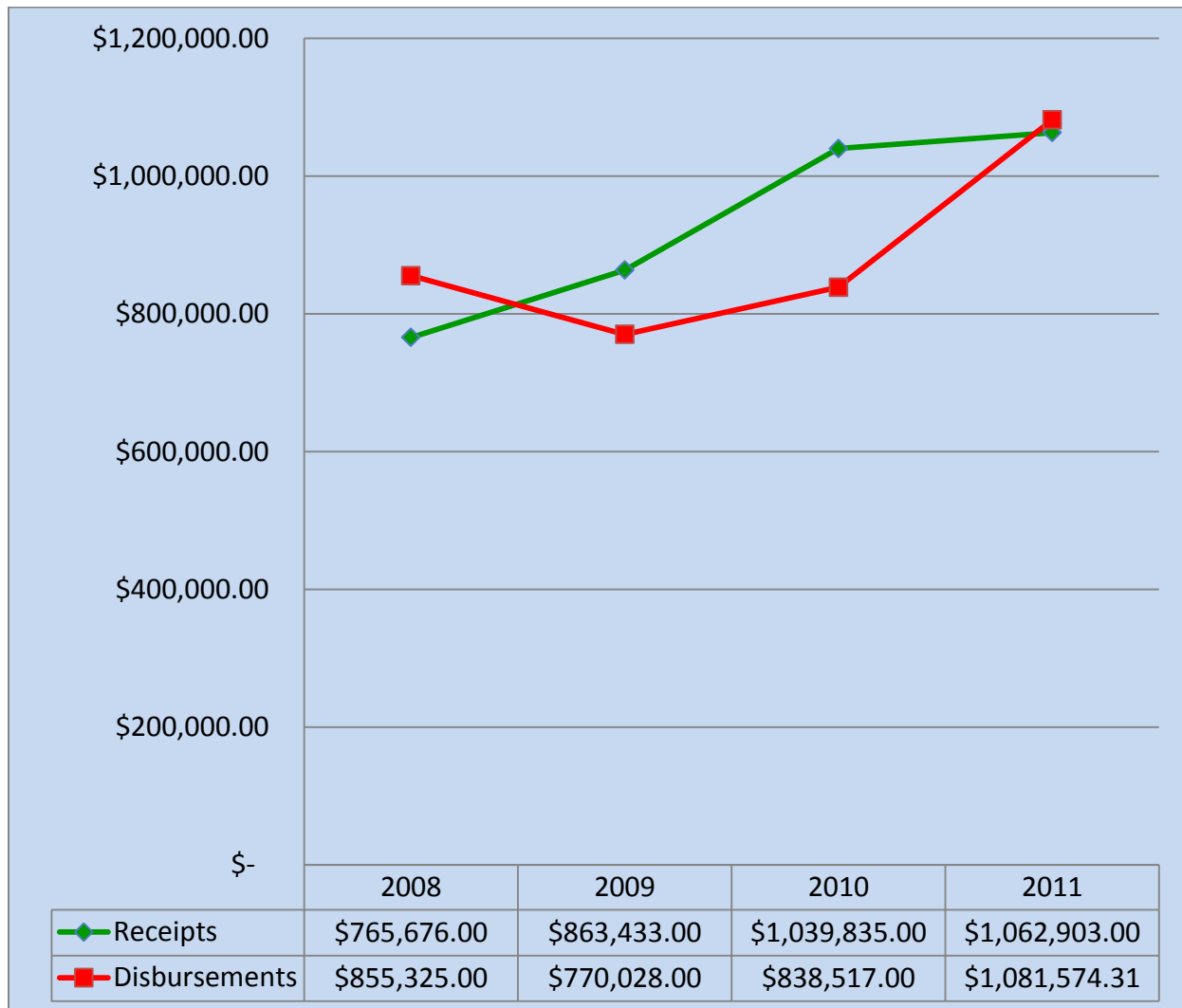
All fees were adopted by Administrative Rule 440-x-3-.10.

Schedule of Receipts, Disbursements, and Balances

October 1, 2007 through September 30, 2011

	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
<u>Receipts</u>				
License Fees	\$878,170.00	\$836,297.52	\$645,655.00	\$609,675.00
Examinations	54,050.00	41,225.00	88,625.00	75,150.00
Miscellaneous Fees	3,225.00	5,327.50	425.00	0.00
Fines	55,408.00	68,195.00	56,425.00	31,300.00
Penalties	71,600.00	88,700.00	57,900.00	41,150.00
Bad Checks	450.00	90.00	-	-
Prior Year Refund	-	-	-	6,986.84
Salvage Equipment or Other Property	-	-	14,402.52	-
Insurance Recoveries	-	-	-	1,414.00
Total	1,062,903.00	1,039,835.02	863,432.52	765,675.84
<u>Disbursements</u>				
Personnel Costs	423,001.75	385,580.89	385,739.15	352,395.18
Employee Benefits	158,813.36	134,053.91	135,147.30	123,477.49
Travel In-State	21,952.20	18,261.85	25,085.02	16,886.99
Travel Out-of-State	13,362.39	8,013.82	8,431.61	16,926.19
Repairs and Maintenance	9,374.19	6,991.83	1,558.23	1,594.04
Rentals and Leases	68,495.96	68,181.18	56,613.02	54,821.60
Utilities and Communications	45,034.63	45,359.08	28,962.14	35,705.20
Professional Services	134,328.34	100,354.90	83,160.23	142,349.00
Supplies, Materials and Operating Expenses	75,011.47	47,327.81	34,211.66	45,913.60
Transportation Equipment Operations	15,027.71	13,187.10	9,044.61	18,740.19
Transportation Equipment Purchases	88,382.40	-	-	29,642.65
Other Equipment Purchases	28,789.91	11,204.47	2,075.26	16,873.00
Transfers to General Fund (1)	25,055.00	-	-	-
Total	1,106,629.31	838,516.84	770,028.23	855,325.13
Excess (Deficiency) of Receipts Over Disbursements	(43,726.31)	201,318.18	93,404.29	(89,649.29)
Cash Balance at Beginning of Year	440,711.00	239,392.30	145,988.01	235,637.30
Cash Balance at End of Year	396,984.69	440,710.48	239,392.30	145,988.01
Reserved for Year End Obligations	(142,115.35)	(153,400.94)	(39,443.35)	(57,326.50)
Unobligated Cash Balance at the Year-End	\$254,869.34	\$ 287,309.54	\$199,948.95	\$88,661.51
(1) Unexpended balances of up to 25% of the board's budget from the previous fiscal year may be retained in the board's fund at year-end. The Code of Alabama 1975 , Section 34-31-20 (b), requires that any funds in excess of this amount at year-end must be paid into the state's General Fund.				

Operating Receipts vs. Operating Disbursements (Chart)



QUESTIONNAIRES

Board Members

Surveys were sent to all 11 members of the Board of Heating, Air Conditioning and Refrigeration Contractors of which 9 responded. The percentages shown are based on the number who responded to the question.

- 1. What are the most significant issues currently facing the Board of Heating, Air Conditioning and Refrigeration Contractors and how is the Board addressing these issues?**

Member 1 - Protecting the public from service providers not meeting standards expected. Through the Board's activity, the consumer is provided a venue to resolve any issues with such providers of services. The service provider is monitored for compliance with standards; issued licenses when meeting these standards; offered education classes; and, when necessary, the contractor is disciplined.

Member 2 - Need more inspectors. 2. How to come up with money to hire more inspectors (only 2 inspectors for entire state)

Member 3 - None

Member 4 - There are no significant issues facing the board at this time.

Member 5 – 1. Educating contractors on code requirements, business ethics 2. Catching un-licensed contractors

Member 6 – all contractors installing a/c should be licensed with this board.

Member 7 – Unlicensed mechanics doing heating/ac work. Mechanics are now required to have license number displayed on truck.

Member 8 – Unlicensed contractors who could harm the public with hazardous installations. The Board has done extensive advertising the past several years to encourage the public to hire only state licensed contractors. The Board also regularly educates city clerks and inspectors who assist the state by permitting only licensed contractors.

Member 9 – The adoption and enforcement of R8 ductwork

Board Member Questionnaire

2. What changes to the Board of Heating, Air Conditioning and Refrigeration Contractor's laws are needed?

Member 1 - Do not have a comment on this question.

Member 2 - To regulate people getting into heating and a/c business who do not have enough training or on the job training hours

Member 3 – None

Member 4 – The Examiners have indicated that Certified Contractors should have an active license prior to going inactive. The law needs to be clarified to eliminate that possible requirement.

Member 5 – We need additional laws on the books requiring contractors to adhere to the EPA Laws mandating refrigerant recovery. There is no enforcement ability right now.

Member 6 – we have just asked the state for changes and we are installing them now. no additional changes

Member 7 – Every ac service tech needs to be certified prior to performing service

Member 8 – The Board has made recent changes to the state law and I don't know of any changes that need to be made at this time.

Member 9 – none to my knowledge

3. Is the Board of Heating, Air Conditioning and Refrigeration Contractors adequately funded?

Yes	6	60.0%
No	2	40.0%
Unknown	1	11.1%

Member 2 – Need more money for more people

Member 5 – at this current time we are.

Member 6 – we have increased revenue and lowered expenses

Member 8 – I believe the Board is funded adequately.

Member 9 – new board member

Board Member Questionnaire

- 4. Does the Board of Heating, Air Conditioning and Refrigeration Contractors receive regular reports on operations from the chief administrative officer?**

Yes	9	100.0%
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Member 1 – The executive Director does an excellent job of keeping the Board fully appraised of all business activity.

Member 2 - Personally I am very impressed by the way she manages the complete operation

Member 4 - The executive director does an excellent job of keeping the board informed.

Member 6 - we are very well informed on all data and reports.

- 5. Is the Board of Heating, Air Conditioning and Refrigeration Contractors adequately staffed?**

Yes	5	62.5%
No	2	25.0%
Unknown	1	12.5%
Did Not Respond	1	

Member 2 – Need a few more people

Member 6 – the two investigators are doing a great job and are timely enough.

Member 8 – I believe the office staff is adequate, but I feel the Board could use another investigator.

- 6. Has the Board of Heating, Air Conditioning and Refrigeration Contractors experienced any significant changes to its operations?**

Yes	2	22.2%
No	6	66.7%
Unknown	1	11.1%

Member 1 - Recently added oversight for Refrigeration contractors and license administration.

Member 2 - We added refrigeration dept. under our umbrella

Member 6 - we have moved to larger and cheaper building

Board Member Questionnaire

7. Does the Board of Heating, Air Conditioning and Refrigeration Contractors plan any significant changes in its operations?

No	7	77.8%
Unknown	2	22.2%

Member 6 - hopefully politics are at a very low level. GOVERNMENT SHOULD BE OF LAWS NOT MEN

Heating & Air Conditioning Contractors

Surveys were sent to 100 licensees, of which 31 responded. The percentages shown are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Heating, Air Conditioning and Refrigeration Contractors is necessary to protect public welfare?

Yes	25	80.6%
No	6	19.4%

Respondent 1 – There should only be one refrigeration contractor's license that covers both air conditioning and refrigeration.

Respondent 2 – There are plenty of laws, rules and regulations. Problem is that the manpower for enforcing the same is greatly lacking. Without enforcement the rules only burden the honest people who go by them.

Respondent 3 - I think it would help to protect the public welfare if it could be policed properly by industry trained employees.

Respondent 4 - Major violations handled by the State Board are also violations of the law and could be handled by the court system and the performance bond.

Respondent 5 - They do not have the authority to do anything

Respondent 6 - Hurts public welfare makes things unaffordable.

2. Do you think any of the Board of Heating, Air Conditioning and Refrigeration Contractor's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	10	32.3%
No	20	64.5%
No Opinion	1	3.2%

Respondent 1 – There should be only be one refrigeration contractor's license that covers both air conditioning and refrigeration.

Respondent 2 –We are a capitalistic society. Contractors who do not do a good job will be soon out of business. Further, people get what they pay for. If a homeowner wants to hire the cheap guy they have no right to expect anything other than cheap work.

Licensee Questionnaire - HVAC

Respondent 4 – It's not uncommon for an installation to meet or exceed all local codes yet violate State inspection. There is no coordination or uniformity between local authorities and the State.

Respondent 6 - unreasonable truck display of cert. numbers, bonding requirements, \$330 a year

Respondent 7 - The additional license for refrigeration seems excessive since I've been doing this for 40+ years.

3. Do you think any of the Board of Heating, Air Conditioning and Refrigeration Contractor's requirements are irrelevant to the competent practice of your profession?

Yes	5	16.1%
No	25	80.6%
No Opinion	1	3.2%

Respondent 1 - There should be only one refrigeration contractor's license that covers both air conditioning and refrigeration.

Respondent 4 - Ongoing education, performance bonds, and testing for licensing should be requirements. The problem is not those who are registered but those who are unlicensed and the board has done little to solve this problem.

Respondent 6 – Air conditioning laws should not be written by lawyers

4. Are you adequately informed by the Board of Heating, Air Conditioning and Refrigeration Contractors of changes to and interpretations of board positions, policies, rules, and laws?

Yes	21	67.7%
No	8	25.8%
No opinion	2	6.5%

Respondent 1 – Needs improvement. Not notified of changes to and interpretations to board positions.

Respondent 3 - Electronic Newsletter to all certified contractors at least quarterly would help.

Respondent 4 - I would think we would receive immediate notices of changes and minutes of Board meetings as soon as they are recorded.

Licensee Questionnaire - HVAC

Respondent 6 - The board makes misleading statements and sometimes lies to us and to elected officials!

Respondent 8 – Communication by e-mail notification of changes would be helpful

5. Has the Board of Heating, Air Conditioning and Refrigeration Contractors performed your licensing and renewal in a timely manner?

Yes	28	90.3%
No	3	9.7%

Respondent 2 –We had a talk about my license being placed on INACTIVE status. Board told me that I would still have to take continuing education classes EVENTHOUGH inactive status does not allow me to do ANY work and they want \$82.50 as well. I told them they could just forget it and I surrendered/did not renew my license.

Respondent 6 - They send my office two of everything

Respondent 9 - My renewal forms and payment was received by the board before the deadline December 2010, with a request for continuing education non-traditional approval. My continuing education request was not approved until June 21, 2011. I received a letter of this notification June 30, 2011. I then sent my license renewal request back to the board with payment and a copy of my approved CE. I received my license in the mail July 29th, 2011. There needs to be a way to approve non-traditional education quickly. I also do not approve of the \$25 fee for non-traditional CE request. We should not be limited to just the educational providers approved by the board, this is almost a monopoly so to speak. We have to pay for our education and then pay a fee for it to be approved. This is totally not right. This is infringing on the rights of the individual. The person that takes the pre-approved CE does not pay an extra fee.

Respondent 10 - I've already received notice to renew my license starting as early as Oct.1st, 2011

Respondent 15 - They are very slow to update their webpage which has led to questions by clients as to whether I am actually licensed.

6. Do you consider mandatory continuing education necessary for competent practice?

Yes	26	83.9%
No	5	16.1%

Respondent 2 – I have in the past.

Respondent 4 - Why would the Board send a notice in July informing us that this year all renewals will be done online and then prohibit that renewal until October. Would it be a

Licensee Questionnaire - HVAC

better use of state money to allow registration immediately in response to the notice? Why send a notice 3 months before we can register?

7. **Has the Board of Heating, Air Conditioning and Refrigeration Contractors approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

Yes	25	83.3%
No	5	16.7%
Did Not Respond	1	

8. **What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Heating, Air Conditioning and Refrigeration Contractors doing to address the issue(s)?**

Respondent 1 – There should be only be one refrigeration contractor's license that covers both air conditioning and refrigeration.

Respondent 2 – Dealing with the money hungry Board OF Heat and Air. They are loving it.

Respondent 3 – Low-priced, unlicensed competition is allowed to perform poor quality workmanship. The board says they are trying to address this issue, but lack of personnel available at the times the incompetent folks are working (night and weekends) prevents this work from being blocked. The unknowing public, trying to get a cheaper deal, are the ones who end up hurt the most.

Respondent 4 – The poor economy and that is not the responsibility of the State Board.

Respondent 5 – price gauging. NOTHING

Respondent 6 – government over regulation, uncertified contractors, the board is the problem.

Respondent 7 – Unlicensed contractors.

Respondent 8 – Unlicensed contractors that perform regulated work and are not prosecuted by local authorities.

Respondent 9 – Renewal of license and unnecessary fees

Respondent 11 –there is a disparity between what is require code wise between a commercial / industrial contractor and a residential contractor and the board has always strived to bridge this gap to bring the standards of our industry up to the latest code

Licensee Questionnaire - HVAC

requirements so both are on a level playing field. Also our Board does an excellent job of policing the non-licensed people doing our work.

Respondent 12 –I think that there are too many non-licensed workers that are able to buy parts and equipment from distributors that are not card holders. I don't see any rules and regulations other than distributors are voluntarily checking for license but side liners who work for state agencies like the University of Alabama can come in a supply house on Friday and buy equipment without showing proof of a license. The state should come down HARD on anyone who sells to non-licensed people.

Respondent 13 – Expert Help, more schooling.

Respondent 14 – Unlicensed contractors. The State Board receives a call and they do their best to investigate.

Respondent 15 – There are a lot of unlicensed individuals performing work in Alabama and it appears as if nothing is being done about it.

Respondent 16 - Unlicensed persons. The board is doing all it can do.

Respondent 17 – allowing unlicensed contractor to purchase equipment/materials

Respondent 18 - Local and state taxes, licenses, renewals, fees, and etc. implemented by government. Way too much overhead due to government policies.

Respondent 19 - unlicensed and uncertified persons doing heating, air conditioning and refrigeration work for the public. The board needs more enforcement personnel to stop this practice.

Respondent 20 - Uncertified Contractors.

Respondent 21 - Unlicensed contractors performing work in the state. I think with the limited resources they have they are doing a very good job monitoring this.

Respondent 22 – Illegal Workers.

Respondent 23 – enforcing the laws/ hiring more people to enforce them

Respondent 24 – Unlicensed contractors performing sub-par work, jeopardizing the safety and financial resources of the public. The Board is trying to educate the public in order to reduce these instances and they are investigating any complaints.

Respondent 25 – OUT OF STATE CONTRACTORS

Respondent 26 – Economy of the state.

Respondent 27 – many unlicensed people doing contract work. [REDACTED] company selling to them.

Respondent 28 – I can think of nothing at this time.

Respondent 29 – N/A

Did Not Respond 3

9. Do you think the Board of Heating, Air Conditioning and Refrigeration Contractors and its staff are satisfactorily performing their duties?

Yes	18	58.1%
No	4	12.9%
Unknown	6	19.4%
No Opinion	3	9.7%

Respondent 2 - It should be abolished.

Respondent 4 - The executive director and lead investigator appear to be doing a great job with little support from staff. Phone calls get answered but leaving messages is a waste of time.

Respondent 11 - exceptionally well

Respondent 27 - Need to step up crackdown on unlicensed work.

10. Has any member of the Board of Heating, Air Conditioning and Refrigeration Contractors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

No	31	100.0%
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Respondent 11 - NEVER

Refrigeration Contractors

Surveys were sent to 100 licensees of which 30 responded. The percentages shown are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Heating, Air Conditioning and Refrigeration Contractors is necessary to protect public welfare?

Yes	24	80.0%
No	6	20.0%

Respondent 1 – Keeps the bar raised so only qualified contractors take part in providing HVACR services.

Respondent 2 – Otherwise anyone would try to do air conditioning work - causing customers much heartache and expense.

Respondent 3 - Yes, a professional should do the job.

Respondent 4 - they are helping to make sure the customer gets a contractor who will do a good job

2. Do you think any of the Board of Heating, Air Conditioning and Refrigeration Contractor's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	12	40.0%
No	16	53.3%
Unknown	1	3.3%
No Opinion	1	3.3%

Respondent 1 – Common in most states that there is a licensing function, some sort of codes that must be followed, and inspection authority to review installations, plans, etc.

Respondent 2 – Not sure if this is related directly to them - but the Alabama ¼ Construction Fee is a big hassle - would far rather pay \$5 or \$10 a quarter than go through 3 months of paperwork! Otherwise, no.

Respondent 3 – Any government agency likes to overrate.

Respondent 5 – When driving personal vehicle, do not feel that it should not have to be lettered. Have no issue with fleet trucks being lettered and cert numbers exposed.

Licensee Questionnaire - Refrigeration

Respondent 6 - There should be no permits required when changing out a system. Although this is a locally required code, the State Board should not allow this to happen.

3. Do you think any of the Board of Heating, Air Conditioning and Refrigeration Contractor's requirements are irrelevant to the competent practice of your profession?

Yes	7	23.3%
No	21	70.0%
Unknown	1	3.3%
No Opinion	1	3.3%

Respondent 7 – Requiring a bond

Respondent 8 - Excessive amount of CEU (continuing education units) required.

4. Are you adequately informed by the Board of Heating, Air Conditioning and Refrigeration Contractors of changes to and interpretations of board positions, policies, rules, and laws?

Yes	18	60.0%
No	9	30.0%
No opinion	3	10.0%

Respondent 2 – Would like to be informed sooner of changes.

Respondent 7 - Any and every change in what would be a violation should be in a newsletter before it is enforced.

Respondent 9 – WE ONLY LEARN OF CHANGES TO CODES WHEN WE ARE TURNED DOWN BY LOCAL TOWNS WITHIN ALA. COULD THERE NOT BE A WEB SITE WHERE EACH TOWN PLACED THEIR LOCAL SPEC THAT DIFFERED FROM STATE CODES WHERE EACH CONTRACTOR COULD GO ON LINE AND DOWN LOAD THEM. THE REINSPECTING IS USUALLY SOMEWHAT WRONG WHEN IT COULD BE SOLVED.

Respondent 10 – Would like more input when new rules are going to be implemented that could cost my business money.

Licensee Questionnaire - Refrigeration

5. Has the Board of Heating, Air Conditioning and Refrigeration Contractors performed your licensing and renewal in a timely manner?

Yes	29	96.7%
No	1	3.3%

Respondent 6 – They want the money!!

Respondent 11 – The con ed requirements are redundant with other state certification requirements and should be credited to all con ed hours for each license.

6. Do you consider mandatory continuing education necessary for competent practice?

Yes	27	93.1%
No	2	6.9%

Respondent 12 - I SHOULD NOT BE CHARGED AN EXTRA FEE FOR ONLINE RENEWAL.

Respondent 13 – I tried to and it said we were up to date, but I got a notice to renew???

7. Has the Board of Heating, Air Conditioning and Refrigeration Contractors approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	21	70.0%
No	3	10.0%
Unknown	1	3.3%
No Opinion	5	16.7%

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Heating, Air Conditioning and Refrigeration Contractors doing to address the issue(s)?

Respondent 1 – As in most states, the economic downturn has reduced the amount of construction work available, made it more competitive, and has also had an impact on what customers are spending to repair their equipment. Not sure that there is anything that the Board can do to promote customers to spend \$.

Respondent 3 – Currently no issues.

Respondent 4 – there are a lot of people out who can do this work but only a few who care about what they do and believe the board helps to make all of us more competent at what we do.

Licensee Questionnaire - Refrigeration

Respondent 5 – Keeping up with new equipment, technology. Need more restrictions on moonlighting employees.

Respondent 6 – All of the fees, licensing, permits, bonds, etc. It is KILLING small business.

Respondent 7 – Unqualified persons installing Ac and heating equipment in apts., condos, and other rentals. Also a big problem is unethical practice of contractors telling customers their equipment will have to be replaced when really shouldn't have to be. Also I believe everyone should be required to have a background check before being licensed. I believe they would enforce if these were put into law but as for now they don't deal with these issues.

Respondent 9 – ANYONE CAN BUY A PIECE OF A/C EQUIPMENT. THERE SHOULD BE A STATE CONTRACTOR # TIED TO EACH PIECE OF EQUIPMENT. THAT WAY A MOD. & SERIAL # COULD BE USED TO TRACT THE PROBLEM VERY EASY.

Respondent 10 – People working that do not have a state license, county workers performing work on the side and not being required to follow the same guidelines that I do.

Respondent 11 – Insufficient enforcement of existing rules, specifically jobs requiring g.c. licensure. Wildly variable local codes enforcement within the state.

Respondent 12 – TOO MUCH GOVERNMENT RESTRICTIONS FOR DOING BUSINESS

Respondent 14 – Too many are doing side work with no contractor's license and cost of refrigeration license

Respondent 15 – Individuals working without license.

Respondent 16 - unknown

Respondent 17 – Unlicensed people doing this work

Respondent 18 - EPA compliance and PSM programs

Respondent 19 - Unlicensed Contractors in Our Area.

Respondent 20 - UNLICENSED CONTRACTORS

Licensee Questionnaire - Refrigeration

Respondent 21 - making sure people have their license

Respondent 22 – POLITICAL,

Did Not Respond 9

9. Do you think the Board of Heating, Air Conditioning and Refrigeration Contractors and its staff are satisfactorily performing their duties?

Yes	17	56.7%
No	5	16.7%
Unknown	3	10.0%
No Opinion	5	16.7%

Respondent 5 – You need more field staff.

Respondent 6 – I normally cannot get anyone when I call with a question. My call is usually returned 1-2 days later.

Respondent 20 – MORE INVESTIGATORS ARE NEEDED

Respondent 22 – wholesalers to stop selling to non-licensee

10. Has any member of the Board of Heating, Air Conditioning and Refrigeration Contractors or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

No	30	100.0%
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Complainants

Surveys were sent to 100 complainants of which 17 responded. The percentages shown are based on the number who responded to the question.

1. How was your complaint filed with the Board of Heating, Air Conditioning and Refrigeration Contractors?

Regular Mail	11	64.7%
Phone	3	17.6%
Fax	2	11.8%
Unknown	1	5.9%

Respondent 1 – I initially spoke with someone at the Board who told me that there was probably something wrong with the installation and encouraged me to send in a written complaint.

2. Was receipt of your complaint promptly acknowledged?

Yes	15	88.2%
No	2	11.8%

Respondent 2 – I had to do all the calling to make sure they got my fax.

3. If your answer to Question 2 was “YES”, how long after you filed your complaint were you contacted by the Board of Heating, Air Conditioning and Refrigeration Contractors?

Immediately	1	5.9%
Within 10 days	5	29.4%
Within 20 days	4	23.5%
Within 30 days	2	11.8%
More than 30 days	1	5.9%
Did not respond	1	5.9%
Unknown	2	11.8%
 Did Not Respond	 1	

Respondent 1 – I've checked 10 days but it may well have been quicker. It has been quite some time since filing my complaint and I don't have access to my records.

4. Was the person who responded to your complaint knowledgeable and courteous?

Knowledgeable	5	29.4%
Courteous	7	41.2%
Neither	3	17.6%
Unknown	2	11.8%

Respondent 1 – The employee that I spoke with seemed quite knowledgeable, was friendly and courteous during the entire process.

Respondent 3 – Received a letter from [REDACTED].

Respondent 4 – No one called me, just sent a letter.

Respondent 5 – Very nonchalant.

Respondent 6 – Received letter

5. Did the Board of Heating, Air Conditioning and Refrigeration Contractors communicate the results of investigating your complaint to you?

Yes	12	70.6%
No	4	23.5%
Unknown	1	5.9%

Respondent 3 – [REDACTED] stated that the Board does not have jurisdiction over the installation of an attic fan by [REDACTED] Heating & Air Conditioning.

Respondent 5 – Nothing was done about my complaint!

Respondent 8 – After many calls from me.

6. Do you think the Board of Heating, Air Conditioning and Refrigeration Contractors did everything it could to resolve your complaint?

Yes	6	35.3%
No	9	52.9%
Unknown	2	11.8%

Respondent 1 – I firmly believe that my problem would have gone unresolved if not for the action of the HVAC Board!

Respondent 2 – No I didn't think they did. The Board basically stated they did everything correctly and within the law. The HVAC person installed the wrong parts,

didn't troubleshoot my problem, installed a new board and burnt it up and he had to order a new one. I spent about \$900 which should really cost me only a couple hundred dollars. No rules or regulations covering price gouging. The board cost \$130 and they charged me almost \$400.

Respondent 4 – It did not have jurisdiction over the matter.

Respondent 5 – Awful experience; waist of my time.

Respondent 6 – Really felt company should have received further investigating.

Respondent 7 – Did not follow up after talking repairman about what they found wrong.

7. Were you satisfied with your dealings with the Board of Heating, Air Conditioning and Refrigeration Contractors?

Yes	7	41.2%
No	8	47.1%
Unknown	2	11.8%

Respondent 1 – Extremely satisfied with the result achieved and all my dealings with the Board. I would recommend that the existence of the Board is better promoted within Alabama, perhaps going as far as requiring that the Boards contact number be provided to all those purchasing a new home or installing or repairing HVAC equipment!!!!!!

Respondent 2 – My fax to the Board and visit from the investigator was a complete waste of my time. Sure they talked with the HVAC people, there word against my word. The whole process is useless just like this survey!

Respondent 3 – The letter stated that the Board does not have jurisdiction over the installation of an attic fan just heating and air conditioning. I paid [REDACTED] Heating & Air Conditioning to fix my attic. The attic fan was not fixed. [REDACTED] refused to come back and fix the problem or refund the payment.

Respondent 5 – My problem was not solved. The company I complained about ruined my house, and I have to pay for it. The board did NOTHING!

Respondent 7 – after informing them that the repairman had corrected the problem, no one came back to re-inspect his work to make sure everything was done. I just stopped calling them.

Respondent 8 – After it took this board so long to do anything at the end they did not get anything done.

Appendices

SMART Performance Reports

Thursday, November 18, 2010
EBO Form 10

FY 10 SMART Quarterly Performance Report

Page 2 of 4

Basic Agency

Agency: 345 - Heating, Air Conditioning and Refrigeration Cont				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 1	To provide services on-line so that 77% of heating and air licenses renewals are processed via the web by 2010								Governor's Priority:	2		
Objectives and Quarterly Targets:												
Performance Measures			First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Efficiency) To increase the number of renewal applications processed on-line.		Percent of applications	--		--	na	--	na	--	69.67	77	69.67

FY 10 SMART Quarterly Performance Report

Basic Agency

Agency: 345 - Heating, Air Conditioning and Refrigeration Cont				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 2	To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011								Governor's Priority:	5		
Objectives and Quarterly Targets:												
Performance Measures			First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) To conduct 80% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2010		percentage	--		--	na	--	na	--	89.47	80	89.47

FY 10 SMART Quarterly Performance Report

Basic Agency

How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2009-10 affected your agency in meeting its desired accomplishments and services?
Beginning August 1, 2009 Act 2009-486 was enacted. During FY 2009-10 this Board has made every effort to administer the new rules and regulations and implement new procedures. The bonding increase stopped many contractors from being able to renew online.
What administrative improvements did your agency make in fiscal year 2009-10 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.
Contracted with outside entity to establish a new software database for all facets of the Board. This process is ongoing. As funds become available, advertising endeavors will continue to notify the general public to hire licensed contractors.

FY 11 SMART Plan**Basic Format**

Agency: 345 - Heating, Air Conditioning and Refrigeration			Program: 653 - PRO AND OCCU LICENSING AND REG				
Key Goal 1	FY Strategies	FY Objectives	Unit of Measure	FY 08 Actual	FY 09 Target	FY 10 Target	FY 11 Target
To provide services on-line so that 80% of licenses renewals are processed via the web by 2011	To promote on-line renewals by newsletters, trade publications and the internet	(O1-Efficiency) To increase the number of renewal applications processed on-line	Percent of applications	74%	75%	77%	80%
Results							
Governor's Priority	FY11 Impact	General Fund	ETF	Federal	Other	Total	
2		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Critical Issues		Category	Critical Issues Strategies				

Basic Format

Agency: 345 - Heating, Air Conditioning and Refrigeration			Program: 653 - PRO AND OCCU LICENSING AND REG				
Key Goal 2	FY Strategies	FY Objectives	Unit of Measure	FY 08 Actual	FY 09 Target	FY 10 Target	FY 11 Target
To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011	Purchase new database software system to accommodate need for viewing on-going activity with consumer complaints.	(O1-Quality) To conduct 90% of jurisdictional on-site Consumer Complaint inspections within 60 days from the date opened by FY 2011	percentage conducted	0	75	80	90
Results							
Governor's Priority	FY11 Impact	General Fund	ETF	Federal	Other	Total	
5		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Critical Issues		Category	Critical Issues Strategies				

Applicable Statutes

CHAPTER 31. HEATING, AIR CONDITIONING, & REFRIGERATION CONTRACTORS.

§§ 34-31-1. Through 34-31-17. Repealed by Acts 1982, No. 82-547, p. 900, § 3.18, effective May 4, 1982.

Current through the end of the 2010 Regular Session.

§ 34-31-18. Definitions. For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them unless the context clearly indicates otherwise:

(1) Administrative procedure law. Sections 41-22-1 through 41-22-27, and any subsequent amendment or supplement thereto, and any rules or regulations promulgated thereto.

(2) Apprentice. A person other than a certified heating, air conditioning, or refrigeration contractor, who is engaged in learning and assisting in the installation, service, or repair of a heating, air conditioning, or refrigeration system and working under the direct supervision of a certified heating, air conditioning, or refrigeration contractor, and who has successfully fulfilled the voluntary registration requirements of the board and has been duly registered by the board as such for the current year.

(3) Board. The State Board of Heating, Air Conditioning, and Refrigeration Contractors, herein established.

(4) Certification. The process of testing to determine the knowledge and skill of an individual with respect to heating, air conditioning, and refrigeration. This term is used herein interchangeably with the term "license."

(5) Certified heating and air conditioning contractor. Any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the installation or service and repair of heating and air conditioning systems.

(6) Certified refrigeration contractor. Any and all legal entities engaged in the business of refrigeration contracting and servicing, installation, and repair.

(7) Heating and air conditioning systems or system. A heating and/or cooling apparatus consisting of an air heating and/or cooling fixture from pipes, plenums or blowers including any accessory and equipment installed in connection herewith; specifically excluding window units, automotive, or farm implement type heating and/or air conditioning equipment.

(8) Installation. The act of setting up or installing a heating and air conditioning system or refrigeration system for operation and use.

(9) Refrigeration. The use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space, other than for human comfort.

(10) Refrigeration trade or business. Includes any and all legal entities engaged in the installation, maintenance, servicing, and repairing of refrigerating machinery, equipment, devices, and components.

(11) Regularly employed person. A person who is an actual employee of the business, not an independent contractor. The person must work an average of 30 or more hours per week for the heating, air conditioning, or refrigeration business. A regularly employed person must not be paid as an independent contractor and must receive a W-2 for all earnings.

(12) Responsible charge. The direction of projects involving the installation or service and repair of heating, air conditioning, and refrigeration systems requiring initiation, professional skills, technical knowledge, and independent judgment.

(13) Service and repair. The act of maintaining for operation a heating, air conditioning, or refrigeration system which has previously been installed including parts replacement within a piece of equipment.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.1; Acts 1988, No. 88-217, p. 339, § 3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Acts 1992, No. 92-180, p. 333, § 3; Act 2009-486, p. 879, § 1.)

§ 34-31-19. Purpose. The purpose of this chapter is to certify qualified contractors on a state-wide basis in order to protect the public by identifying those contractors who have the knowledge and ability to install or service and repair heating, air conditioning, and refrigeration systems.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.2; Acts 1988, No. 88-217, p. 339, § 3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Act 2009-486, p. 879, § 1.)

§ 34-31-20. Board of Heating, Air Conditioning, and Refrigeration Contractors--Creation; composition; transfer of property, etc. (a) The Board of Heating and Air Conditioning Contractors as created by Act 82-547, 1982 Regular Session (Acts 1982, p. 900), is renamed the Board of Heating, Air Conditioning, and Refrigeration Contractors. The authority of the board is expanded to allow the board to examine, certify, and regulate heating, air conditioning, and refrigeration on a statewide basis.

(b) The board shall consist of 12 members, who shall be citizens of this state and who shall be subject to confirmation by the Senate. The seven initial appointments shall be effective as of July 1, 1982, as follows: One member shall be appointed by the Governor for an initial term of one year, and shall be a licensed professional engineer; one member shall be appointed by the Governor for an initial term of four years and shall be a heating and air conditioning contractor; one member shall be appointed by the Lieutenant Governor for an initial term of three years and shall be a trade representative of an equipment manufacturer or supplier; one member shall be appointed by the Governor for an initial term of three years and shall be a consumer from the general public; one member shall be appointed by the Speaker of the House of Representatives for an initial term of two years and shall be a trade representative of the service, repair parts industry; one member shall be appointed by the Lieutenant Governor for an initial term of two years, and shall be a representative from county or local inspection services department; and one member shall be appointed by the Speaker of the House of Representatives for an initial term of three years, and shall be a consumer from the general public. Three additional members shall be appointed to serve four-year terms beginning on January 1, 2001. Each of these three additional members shall be heating and air conditioning contractors. One of these additional members shall be appointed by the Governor, one of these additional members shall be appointed by the Lieutenant Governor, and one of these additional members shall be appointed by the President

Pro Tempore of the Senate. An additional two members, who shall be heating and air conditioning contractors, shall be appointed by the Speaker of the House of Representatives for initial terms of three years. Their successors, who shall be appointed by the same respective appointing authorities, and shall possess the same respective occupational qualifications, shall each serve not more than two consecutive terms of office of four years each and until their successors are appointed and qualified. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) All moneys, equipment, and property of the board created pursuant to Sections 34-31-1 through 34-31-17, inclusive, shall, effective July 1, 1982, be transferred to the board created in subsection (a). The board shall pay all money received under this chapter to the State Treasurer, who shall keep the money in a separate fund for the board. All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the State General Fund.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.3; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, § 1; Acts 1988, No. 88-217, p. 339, § 3; Acts 1996, No. 96-748, p. 1318, § 3; Act 2000-745, p. 1658, § 1; Act 2004-67, p. 82, § 3; Act 2008-130, p. 187, § 3; Act 2009-486, p. 879, § 1.)

§ 34-31-21. Board of Heating, Air Conditioning, and Refrigeration Contractors--Officers; meetings; powers and duties. (a) The board shall elect from among its members a chairman, vice-chairman, and a secretary. The board may hire an executive director to serve at the pleasure of the board. The board may require the executive director to perform the duties required by this section and any other tasks required by the board. The board shall set the salary of the executive director. The board may employ a deputy director who shall serve at the pleasure of the board. The salary and compensation for the deputy director shall be set by the board and shall not exceed the salary set for the executive director.

(b) The chairman shall preside over meetings of the board. The vice-chairman shall preside over meetings of the board in the absence of the chairman. The chairman shall designate another member to preside in the absence of the chairman and vice-chairman.

(c) The secretary or, if directed by the board, the executive director shall perform the following tasks:

- (1) Keep all minutes, books, records, and files of the board.
- (2) Issue all certificates in the name of the board.
- (3) Send all notices and attend to all correspondence directed by the board.
- (4) Receive and deposit all fees.
- (5) Perform all incidental duties of the office as directed by the board.

(d) The secretary shall give bond, payable to the Governor, in the penal sum of \$5,000.00 for the faithful performance of his or her duties, and the premium therefor shall be paid from the fees of the board.

(e) No moneys shall be withdrawn from the funds of the board except by direction of the board as provided by state law.

(f) A majority of the board shall constitute a quorum for the transaction of all business.

(g) The board is also authorized to adopt and publish minimum repair and service standards for its certified contractors, and shall mail a copy thereof to every certified contractor at least 30 days before the standard of criteria becomes effective. Certified contractors who fail to comply with such minimum standards and criteria shall be punished as prescribed in Section 34-31-32(a).

(h) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony, and obtain evidence in the conduct of its business. It is further authorized to take such disciplinary actions as are authorized in subsection (c) of Section 34-31-32.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.4; Acts 1986, No. 86-118, p. 143, § 3; Acts 1988, No. 88-217, p. 339, § 3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p. 1658, § 1.)

§ 34-31-22. Board of Heating, Air Conditioning, and Refrigeration Contractors--

Compensation. Each member of the board shall receive one hundred dollars (\$100) per day for attending sessions of the board or its committees and, in addition, shall be reimbursed for such necessary travel expenses as are paid to state employees, to be paid from fees collected.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.5; Act 2000-745, p. 1658, § 1.)

§ 34-31-23. Board of Heating, Air Conditioning, and Refrigeration Contractors--Regular

meetings. The board shall meet in a regular session to perform its lawful duties at least once each three-month period.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.6.)

§ 34-31-24. Only certified contractors to advertise, etc.; use of license; issuance of license.

[AL ST SEC 34-31-24]

Current through the end of the 2010 Regular Session.

(a) No individual, partnership, or corporation shall advertise, solicit, bid, obtain permit, do business, or perform the function of a certified contractor unless the person or persons in responsible charge, as defined in Section 34-31-18(12), are certified contractors.

(b) Every contractor licensed under this chapter shall display the contractor's certification number and the company name on any and all documentation, forms of advertising, and on all service and installation vehicles used in conjunction with heating, air conditioning, and refrigeration contracting.

(c) A contractor licensed under this chapter may not permit the use of his or her license by any other persons.

(d) No official charged with the duty of issuing licenses to any individual, partnership, or corporation to operate a business as a certified contractor shall issue such license unless there is presented for inspection a certificate of qualification as provided for herein issued by the board to the individual or to some person in responsible charge with the partnership or corporation.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.7; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Act 2009-486, p. 879, § 1.)

§ 34-31-25. Fees; disposition of funds. (a) For the purpose of defraying the expense in carrying out the provisions of this chapter, the board may fix fees to be paid by applicants for certificates, but in no event shall the charges fixed by the board exceed two hundred dollars (\$200). The inactive fees may be waived for building officials or inspectors, as defined by the International

Code Council. All fees fixed by the board must accompany the application, and no part of the fees shall be refunded. The fees shall be received by the board and held solely for the purpose of paying the expense of carrying out the provisions of this chapter.

(b) Fees for apprentice registration and annual renewal fees shall not exceed fifty dollars (\$50).

(c) All penalties collected by the board shall be used in the same manner and for the same purpose as fees.

(d) Renewal fees shall be established by the board as to insure adequate funding to support the board. Fees shall not exceed two hundred dollars (\$200) per year. The amount of these fees shall be established by the board on an annual basis to provide adequate funding to support the board and to pay the expenses incurred for applications, examinations, and/or renewals of licenses.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.8; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p. 1658, § 1; Act 2009-486, p. 879, § 1.)

§ 34-31-26. Renewal of certificates; inactive status; continuing education. (a) All certificates provided for herein shall be renewed annually, not later than 90 days after the first day of October of each year. All holders of certificates may be renewed annually, provided that the certified contractor has complied with all provisions of law and rules and regulations of the board thereof, upon payment of a renewal fee set forth by the board as provided for in this chapter.

(b) Any person certified by the board may elect an inactive status certificate by notifying the board in writing. The fee for the issuance and renewal of an inactive status certificate shall be established by the board in an amount not to exceed one-half of the amount set for fees pursuant to Section 34-31-25.

(c) The board shall provide by rule or regulation those activities which an inactive status certificate holder may engage in, and for a procedure for the reinstatement as an active status certificate holder.

(d) The board shall adopt an annual program of continuing education for its certified contractors by January 1 of each year. All certified contractors shall be required to complete four hours of continuing education every year. This minimum continuing education requirement will begin during the calendar year 2001. All certified contractors will be required to complete the minimum continuing education requirements prior to renewal in all years beginning January 1, 2002.

(e) The failure to complete the minimum continuing education requirements shall prevent the renewal of the certified contractor's license until proof of compliance with the continuing education requirement is submitted to the board. The board may permit a certified contractor to submit a deficiency plan to the board for approval by January 1 of each year for medical hardships and emergencies that prevent the certified contractor from complying with the continuing education requirements on time. This deficiency plan shall be specific in describing the plan for full compliance with the continuing education requirement and shall be accompanied by a deficiency plan fee established by the board.

(f) The board shall adopt rules that prescribe the policies, procedures, and fees for obtaining board approval of the providers, courses, and instructors for the continuing education program.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.9; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p.

1658, § 1; Act 2009-486, p. 879, § 1.)

§ 34-31-27. Citizenship; application forms. All applicants for examinations and certificates and all applicants for renewal certificates shall be citizens of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall be required to fill out a form which shall be provided by the board.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.10; Act 2008-130, p. 187, § 3.)

§ 34-31-28. Examinations for certification; registration; eligibility; further testing, etc., by localities prohibited; exemptions. (a) All prospective certified contractors in this state desiring to qualify in accordance with the provisions of this chapter shall be required to stand for a written examination before the board. Any applicant failing to pass his or her first examination for a certificate shall be entitled to take any subsequent examination, either written or, upon request of the applicant, practical examination which is equivalent to the written examination, to be held within six months from the date of his or her first or latest unsuccessful examination.

(b) The board shall register every person who may apply for an apprentice heating, air conditioning, or refrigeration registration certificate upon forms provided by the board and upon payment of all prescribed fees.

(c) The board shall examine the character, fitness, and qualifications of every person who applies for a certified heating, air conditioning, or refrigeration contractor license upon forms prescribed by the board and upon payment of all prescribed fees.

(d) An applicant for examination for a heating, air conditioning, or refrigeration certified contractor license shall be eligible to stand for the examination if the applicant has held an apprentice registration, issued by this board, for two or more calendar years; or has completed 3,000 hours of coursework or experience, as defined by the board; or is a graduate of an approved heating, air conditioning, or refrigeration curriculum.

(e) All legal entities engaged in the refrigeration business for a period of two years prior to May 13, 2009, may apply to the board for a certified refrigeration contractor license without standing for a written examination. The applicant shall provide evidence of such experience to the board as promulgated in the rules of the board. An applicant who does not apply for such certification by December 31, 2011, must stand for the written examination.

(f) Counties, municipalities, or other local entities are hereby prohibited from requiring any further local testing or other requirements of certified contractors, subject to the payment of any applicable local privilege, license, or business fees or charges.

(g) Persons licensed by the Alabama Liquefied Petroleum Gas Board are exempt from this chapter pertaining to heating, air conditioning, and refrigeration when:

(1) Engaged in the installation, repair, or replacement of a liquefied petroleum gas appliance so long as the appliance is not connected to a refrigeration system, except that such persons may also engage in the replacement or repair of a liquefied petroleum gas central heating unit when it is combined with an air conditioning unit.

(2) Engaged in the installation of a venting system required for a vented-type liquefied petroleum gas appliance.

(h) This chapter does not apply to:

(1) An authorized employee of the United States, the State of Alabama, or any municipality, county, or other political subdivision, if the employee does not hold himself or

herself out for hire or otherwise engage in contracting except in accordance with his or her employment.

(2) Any mobile home or manufactured structure that is installed, inspected, or regulated by the Alabama Manufactured Housing Commission; however, the repair, servicing of a heating and air conditioning system, or the installation of a new heating and air conditioning system in a previously inspected manufactured structure is subject to this chapter.

(3) Persons performing work on motor vehicles, residential refrigerators, or ice machines.

(4) Household appliances.

(5) Farm equipment.

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of chicken, turkey, or other fowl.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.11; Acts 1986, No. 86-118, p. 143, § 3; Acts 1988, No. 88-217, p. 339, § 3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p. 1658, § 1; Act 2009-486, p. 879, § 1.)

§ 34-31-29. Examinations generally; reciprocity agreements. (a) The board shall provide for examinations which test the knowledge, skill, and proficiency of the applicants.

(b) Examinations shall be held at such time and place as may be fixed by the board at least once each three-month period. Written notice of the place of examinations shall be mailed to all persons who have filed current applications for the examinations of the board.

(c) The board may charge each applicant and retesting applicants for examination a reasonable fee based on the actual costs for administering the examinations. Applicants must stand for the examination within one year from the date the board receives the examination application and fees, otherwise the applicant must resubmit an application and appropriate fees.

(d) The board may enter into reciprocity agreements with other states to permit Alabama certified contractors to engage in work in other states in exchange for that state's contractors being permitted to perform work in Alabama. This provision recognizes the status of the certified contractor as having passed the examination; however, all certification fees are required to be paid.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.12; Acts 1988, No. 88-217, p. 339, § 3; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p. 1658, § 1; Act 2009-486, p. 879, § 1.)

§ 34-31-30. Performance bond. The board may require a performance bond in the amount of fifteen thousand dollars (\$15,000) per year for all active certified contractors. There shall be no discrimination between contractors similarly situated, and each classification of regulated contractors for bonding purposes must be reasonable in light of the purpose of the bond.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.13; Act 2009-486, p. 879, § 1.)

§ 34-31-31. List of certified contractors. The board may publish annually a list of names, addresses of all individuals and the name of their employer, if applicable, who are certified by the board, and shall mail a copy of the list to all qualified individuals so certified upon request to do so. The board may require a reasonable fee to cover the cost of producing and mailing the directory.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.14; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, § 3; Act 2000-745, p. 1658, § 1.)

§ 34-31-32. Violations; penalties. (a) Any person engaged in business as a certified contractor or performing the functions of a certified contractor in violation of this chapter shall be guilty of a Class A misdemeanor, as defined by the state criminal code.

(b) The board may, at its discretion, impose late penalties on those certified contractors who fail to renew certificates by December 31 of each year. The board may also remove certification from any certified person who fails to renew his or her certificate by the first day of March and require the person to apply for a new certificate. Furthermore, the board may at its discretion, remove, revoke, or suspend the certification from any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter, and may require such person to apply for a new certification. The board may, in its discretion, also require the successful re-testing of any such person who applies for a new certification.

(c) The board may reprimand, in writing, any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter.

(d) The board may levy and collect administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than two thousand dollars (\$2,000) for each violation.

(e) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person, firm, or corporation engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the person, firm, or corporation to forthwith cease and desist from the activity, conduct, practice, or performance of any work then being done or about to be commenced. The order shall be issued in the name of the State of Alabama under the authority of the board. If the person, firm, or corporation to whom the board directs a cease and desist order does not cease or desist the proscribed activity, conduct, practice, or performance of work immediately, the board shall cause to issue in any court of competent jurisdiction and proper venue, a writ of injunction enjoining the person, firm, or corporation from engaging in any activity, conduct, practice, or performance of work prohibited by this chapter. Upon showing by the board that the person, firm, or corporation has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the courts shall issue a temporary restraining order restraining the person, firm, or corporation from engaging in such unlawful activity, conduct, practice, or performance of work pending the hearing on a preliminary injunction, and in due course a permanent injunction shall issue after the hearing, commanding the cessation of the unlawful activity, conduct, practice, or performance of work complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this subsection shall not be subject to being released on bond. In the suit for an injunction, the board may demand of the defendant a fine of up to two thousand dollars (\$2,000) plus costs for each offense. Anyone violating this chapter who fails to cease work, after a hearing and notification from the board, shall not be eligible to apply for a certified contractor's license for a period not to exceed one year from the date of official notification to cease work. The board may withhold approval, for up to six months, of any application from anyone who prior to the application has been found in violation of this chapter.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.15; Acts 1988, No. 88-217, p. 339, § 3; Acts 1992, No. 92-180, p. 333, § 3; Act 2000-745, p. 1658, § 1; Act 2004-67, p. 82, § 3; Act 2009-486, p. 879, §

1.)

§ 34-31-33. Procedure. The procedures shall be same as those defined in the Alabama Administrative Procedure Act, Chapter 22 of Title 41. The board may establish additional procedures as needed provided that the procedure is published and made public and are not in conflict with the state law.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.16; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, § 1.)

§ 34-31-34. Appeals. Any appeals to the chapter shall be as defined by the Alabama Administrative Procedure Act, Chapter 22 of Title 41.

CREDIT(S)

(Acts 1982, No. 82-547, p. 900, § 3.17; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, § 1.)

§ 34-31-35. Sunset provision. The State Board of Heating, Air Conditioning, and Refrigeration Contractors shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

CREDIT(S)

(Act 2000-745, p. 1658, § 2; Act 2009-486, p. 879, § 1.)

Board Members



Robert Bentley
GOVERNOR

STATE OF ALABAMA
**BOARD OF HEATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS**

8 Commerce Street, Suite 200
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Kathy S. LeCroix
EXECUTIVE DIRECTOR

July 13, 2011

Ms. Bilikisu A. Alabi
Examiner of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Dear Ms. Alabi:

Pursuant to your request, attached is a list of the current board members of the Board of Heating, Air Conditioning and Refrigeration Contractors which includes:

- Name
- Position
- Mailing Address
- Expiration of Term

If you have any questions regarding this matter please contact this office at 241-0840.

Sincerely,

Kathy S. LeCroix
Executive Director

KSL/dd

Enclosure

July 13, 2011

Current Members of the

Board of Heating, Air Conditioning & Refrigeration Contractors

<u>Member</u>	<u>Address</u>	<u>Term Expires</u>
L. F. (Chip) Pierce Chairman	Birmingham, AL	December 2012
Joel Adkins	Birmingham, AL	December 2012
James Sam Davis, Jr.	Birmingham, AL	June 2011
Ebbin J. Register	Troy, AL	June 2012
Charles W. Edwards, III	Montgomery, AL	July 2012
Bob Slocumb	Auburn, AL	July 2009
Steve Thompson	Montgomery, AL	July 2012
Tony Brown	Northport, AL	December 2012
Ron Blackmon	Selma, AL	December 2012
Rick Causey	Gadsden, AL	December 2012
Andrew Hardwick	Montgomery, AL	June 2010

RESPONSE TO SIGNIFICANT ISSUES



Dr. Robert Bentley
GOVERNOR

STATE OF ALABAMA
**BOARD OF HEATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS**

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Kathy S. LeCroix
EXECUTIVE DIRECTOR

October 4, 2011

Mr. John Norris, Director
Operational Division
Examiners of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, AL 36104

Dear Mr. Norris,

The Board concurs with the Significant Issues that will appear in your report to the Sunset Committee on the operations of the Board of Heating, Air Conditioning and Refrigeration.

Significant Issue 1. *There is no required representation on the board for refrigeration contractors:*

In 2000, the Board's statutes were amended and at that time, the legislature increased the number of Board members from seven (7) to twelve (12). These additional members were appointed as follows: one by the Governor, one by the Lieutenant Governor, two by the Speaker of the House and one by the President Pro Tempore.

In 2009, the Board's statutes were again amended to include the regulation of the refrigeration contractors, however there was not a provision specifically requiring that a refrigeration contractor be included in the membership of the Board. At present, there are three Board members licensed as both heating & air conditioning contractors and refrigeration contractors. A change in the statutory language will allow representation without increasing the current number of Board members.

Significant Issue 2. *The board does not license or certify business entities that engage in heating and air conditioning contracting:*

The statutory amendments in 2009 allowed the Board to issue a refrigeration contractor license to an "entity", however Section 34-31-18(5) was not changed to include "entities". At present, a heating and air conditioning license can only be issued to an individual, where a license for a refrigeration contractor can be issued to an individual or any other legal entity. I would appreciate the sunset committee's assistance to effectuate this change.

Respectfully,

Kathy S. LeCroix
Executive Director